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March 31, 2022

VIA ECF

Hon. Cathy Seibel
United States District Judge
United States Courthouse
300 Quarropas Street, Room 621
White Plains, New York 10601

Re: Sunshine-Longway v. The Society for Creative Anachronism, Inc.
Docket: 21 CV 03142 (CS)
Our File No.: 82-1360

Dear Judge Seibel:

We represent the defendant in the above-captioned matter. It appears that we are being deprived of any realistic opportunity to obtain records in advance of the deposition of plaintiff Sunshine-Longway pertaining to her allegations of emotional distress.

The Court previously directed us to provide blank record authorizations to be executed by the plaintiff by March 18, 2022, which we did. On March 24, 2022, we received an electronic transmittal from plaintiffs' counsel of two defective authorizations, for Family Services of Westchester-Echo Hills and for Lisa Strauss, M.D. They were defective in two respects. First, they appear to be photographs of the authorizations, irregular in shape and darkly colored. Second, the line for inclusion of mental health information was not initialed, seemingly rendering the authorizations useless for the purpose of obtaining the pertinent records. Our transmittal with the blank authorizations had specifically requested that the lines to the right of Section 9(a) of the standard New York State Authorization form be initialed (which included the line pertaining to mental health).

We promptly spoke with plaintiffs' counsel, who advised that he would arrange for his client to initial the authorizations and send them directly to our office. However, it is now a week later and the authorizations have yet to be received. It is noted that the portion of the directive requiring plaintiffs to turn over all medical records in their possession regarding their alleged

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distress was ignored, presumably because plaintiff Sunshine-Longway and her counsel are not in possession of any such records.

At this juncture, it is respectfully requested that plaintiff be precluded from pursuing her claim of infliction of emotional distress, which is also seemingly not viable, irrespective of the content of the records.

To the extent that a conference concerning the foregoing is deemed necessary, please be advised that the undersigned is unavailable on April 4, 6 and 8, 2022 but is otherwise generally available during the coming weeks.

We thank the Court for its anticipated cooperation and attention concerning the above.

Respectfully submitted,

MALAPERO PRISCO & KLAUBER LLP

A handwritten signature in blue ink, appearing to read "Jeffrey N. Rejan", with a stylized flourish at the end.

Jeffrey N. Rejan (JNR 1580)

JNR/lr

cc:

VIA ECF

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